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Guam

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I. General

1. Guam is a Non-Self-Governing Territory administered by the United States of America. It is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 kilometres south of Tokyo and 6,000 kilometres west-south-west of Hawaii. The Territory consists of a single island of approximately 540 square kilometres and comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep water ports in the Pacific. The capital city of Guam is Hagåtña, also known as Agana.

2. When the first Spanish missionaries arrived in Guam in the late seventeenth century, the island was inhabited only by the indigenous Chamorro people, who are believed to be of Malayo-Polynesian descent. The Chamorros now comprise just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society. According to the United States Census Bureau International Data Base, in 2009, Guam's population was estimated at 178,000. It is expected that, with the forthcoming military build-up (see para. 16 below), the Territory's population will continue to grow, mostly through immigration. In the 2000 census, the ethnic composition of the population was shown as 37.1 per cent Chamorro, 26.3 per cent Filipino, 11.3 per cent other Pacific islanders, 6.9 per cent white, 6.3 per cent other Asian, 2.3 per cent other ethnic origin and 9.8 per cent mixed. English and Chamorro are the official languages. The majority of the population (85 per cent) is Roman Catholic, with other Christian denominations also represented.

II. Constitutional, legal and political issues

3. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local Government and made Guam an "organized" Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an "unincorporated" Territory, since not all provisions of the United States Constitution apply to the island. As an unincorporated Territory, Guam is a possession of the United States but not part of the United States.

4. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to elections applies to United States citizens who are 18 years of age or older and are legally residents in Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. The United States Constitution does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a Governor, who serves a four-year term. He is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation. Following the November 2010 elections, Eddie Baza Calvo (Republican) was declared the new Governor of Guam.

5. The people also elect 15 senators, who serve two-year terms in the unicameral Legislature. The Legislature may override the Governor's veto. Under the 1950 Organic Act, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In the November 2008 legislative elections, Democrats won 10 seats, compared with the Republicans' 5.

6. Since 1972, Guam has had one delegate to the United States House of Representatives. As previously reported, the delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the November 2008 elections, Madeleine Bordallo, a Democrat, ran unopposed. She was sworn in on 7 January 2009 for her fourth term as Guam's delegate to Congress.

7. The judicial system in Guam comprises both local and federal components. The local judicial system is made up of a Superior Court and a Supreme Court, which are led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam Legislature to elect its own Attorney-General for a four-year term. The Attorney-General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

8. In 2004, the judiciary of Guam was established as an independent branch of Government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

9. Periodically, there have been moves to change the island's political status. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum was held in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

10. The Commission on Self-Determination, established in 1984, completed a draft Commonwealth Act in 1986, which, after a public education campaign, was submitted for an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the core proposals, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after having been amended and rewritten. A summary of the main points in the draft Commonwealth Act is contained in the 2001 working paper (A/AC.109/2001/4).

11. Subsequent discussions held from 1989 to 1997 between the Commission and the Government of the United States on a commonwealth agreement did not reach a resolution. In 1997, Guam Public Law 23-147 established the Commission on

Decolonization for the Implementation and Exercise of Chamorro Self-Determination, to address an important but controversial issue within the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

12. As previously reported, in 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding but would have set the course for any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. To date, no further action has been reported. In October 2010, President Barack Obama signed bill H.R. 3940 into law. The law clarifies the Secretary of the Interior's authority and obligation to provide federal funding for political status education on Guam. It should help to inform the people of Guam of their constitutionally viable political options.

III. Military and related issues

13. During the June 2010 session of the Special Committee on Decolonization and the October 2010 session of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, 11 petitioners spoke about the serious implications of a further hypermilitarization of Guam, including its direct impediment to the right of self-determination for the Chamorro people, tremendous taxing of the Territory's socio-economic structure, environment and the sheer livelihood of the indigenous people. Some of the petitioners called upon the United Nations to fund a study on such implications, and denounced the hypermilitarization as being inimical to the inalienable human rights of the Chamorro people (see A/C.4/65/SR.3).

14. As previously reported, in 2009 the United States decided to realign by 2014 United States Marine Corps capabilities in the Pacific region through the transfer of United States military personnel from Okinawa, Japan, to Guam. According to the administering Power, the relocation, costing over $10 billion, would bring 8,600 marines, 630 army personnel, and about 10,000 dependants to Guam. More than 33,000 foreign workers would also be needed to build wharves, aircraft carrier berths, roads, military barracks and homes.

15. In view of major concerns expressed by the Guam officials and members of the Guam community regarding the impact of a military build-up on the Territory, in 2010, the United States Department of Defense carried out a study on the issue. The study indicated that the military expansion would strain the island's limited infrastructure, health care and ecology. In February 2010, the Territory's Environmental Protection Agency stated that a military build-up could trigger island-wide water shortages that would fall disproportionately on a low-income medically underserved population. It also indicated that it would overload sewage-treatment systems in a way that might result in significant adverse public health impacts.

16. Opposition to the military expansion stems mainly from concerns about its sociocultural, economic and environmental impact on the Territory. Anticipated economic benefits associated with the build-up are likely to be offset by higher inflation, increased congestion and greater pressure on outdated infrastructure.

17. In view of the above, the military redeployment is likely to take place closer to 2016. For 2011, the United States Department of Defense appropriated $246 million for the Guam military construction programme, bringing the total allocations for that purpose to just over $609 million. Currently, of the total $609.7 million authorized for the Guam build-up for fiscal years 2008 and 2011, plus the $917.8 million already allocated by the Government of Japan, only a fraction has actually been awarded, contracted or otherwise obligated by the Department of Defense.

IV. Land issues

18. The question of land use and ownership continues to be a major concern in Guam. This question comprises two major issues: the return of unused or underutilized lands held by the United States Department of Defense and the return of those lands to the original Chamorro landowners. However, in view of the forthcoming military build-up, the Department of Defense is interested in additionally acquiring at least 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department of Defense currently possesses 40,000 acres, or 27.21 per cent, of the island's land mass.

19. It has been reported that the Department of Defense and Guam are at an impasse over the use of ancestral land for a Marine Corps firing range. The military has been unable to get the support it needs from the Guam Government to place Marine live-fire ranges on ancient Chamorro land at Pagat Village, a federally registered archaeological site that holds deep meaning for many inhabitants of the island.

20. As previously reported, the Guam Ancestral Lands Commission has collected about $400,000 from leases and licences to compensate original landowners who will never recover their land. It is, however, unclear when that money will be paid and to how many persons. Private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam Legislature.

V. Budget

21. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated to particular sectors through the Department of the Interior on an ad hoc basis. According to federal law, all island residents, including military personnel, must pay income taxes to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the Legislature can either override the Governor's veto by a special majority or reconsider the bill.

22. In February 2010, the Governor sent the proposed 2011 budget to the Guam Legislature. The budget prioritizes education, health and public safety. It also

addresses deficit reduction and provides for partial funding of pay increases for employees of the Government of Guam. The 2011 budget projects revenues of $600,811,600, an 8 per cent increase from the projected budget levels adopted in fiscal year 2010.

23. The breakdown of the fiscal year 2011 executive budget is $246 million (34 per cent) for education, $101.6 million (14 per cent) for health and $107.9 million (15 per cent) for public safety. The remainder of the proposed budget goes to other agencies and for other purposes, including 9 per cent for debt service, 2 per cent towards deficit reduction and 2 per cent for the implementation of the findings of a Government-wide pay study.

VI. Economy

A. General

24. The economy of Guam continues to be based on two main pillars: tourism and the military. Meanwhile, the Territory has been attempting to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of Guam's exports, which include petroleum products, iron and steel scrap, automobiles, tobacco and cigars, among other things. Major trading partners of the Territory include the United States, Japan, Germany and China.

25. The upcoming military expansion is expected to become the main engine of economic activity, benefiting Guam's economy in the amount of $1.5 billion per year once the process begins. In 2010, the then Governor of the Territory acknowledged the economic benefits of the military build-up, while also stressing that it would impact the Territory's environment and create financial, social and cultural challenges. He called upon the United States Government to ensure an appropriate balance. He further stressed that extension of the construction timeline beyond 2014 would lessen the overall impact on the island. In his opinion, the application of adaptive management and force-flow reduction concepts could be one way to address those challenges: the Territory had limited financial resources and lacked the capacity to absorb the impact of 20 years' growth in a five-year time frame.

B. Tourism

26. In December 2010, the Guam Visitors Bureau announced that tourism arrivals had been slightly higher, compared to 2009 statistics. International tourist arrivals were up by 3 per cent for the first time in many years, with the majority of tourists coming from Japan and the Republic of Korea. The Guam Visitors Bureau has been recently promoting the cultural aspects of the island to attract more tourists, including the arrangement of visits to the local villages.

C. Transport and communications

27. The current transport infrastructure of Guam comprises one commercial and one military airport, approximately 1,000 kilometres of roadways (almost all paved) and one duty-free port. Guam's international airport is the most modern in the western Pacific.

28. The Port Authority, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. In December 2007, the Port Authority entered into a five-year agreement with both Matson and Horizon Lines for the non-exclusive right to use the port's rails for landing, installing, using and maintaining three refurbished cranes from the Port of Los Angeles. The cranes have recently been retrofitted and modified to enhance their productivity and handling capabilities.

29. Guam continues to serve as a major telecommunications hub for the Asia/Pacific rim. It has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including the free use of "800" numbers.

D. Water system, sanitation and utilities

30. About three quarters of the Territory's water supply is provided by the Guam Waterworks Authority. The Government's water sources consist of groundwater and surface water (the Ugum River). The remainder is produced by the air force and naval installations on Guam. The naval water source is a surface reservoir (Fena Lake) in the southern part of the island.

31. Additional information on the impact of the expected military build-up on the fragile water and sanitation systems is contained in section III above.

E. Agriculture and fisheries

32. The farming and fishing sectors are relatively well developed. Vegetables, citrus and tropical fruits, coconuts and sugar cane are grown, and livestock, especially poultry, is raised. The Guam Department of Agriculture is entrusted with developing and protecting the Territory's agriculture and natural resources. The various divisions of the Department deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources.

33. At a 2009 meeting in Hawaii, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the impact on local fishing communities of the ongoing military build-up and that they develop a mitigation and compensation plan to assist those affected, including in Guam. No follow-up action has been reported thus far.

VII. Social conditions

A. Labour

34. The December 2010 preliminary statistics showed that the total number of jobs on Guam increased by 1,350, or 2.2 per cent. Meanwhile, the rate of growth slowed down; in the last three quarters of 2010, total employment increased by less than 1 per cent, mostly in the tourism sector. In the private sector, jobs increased by 1,120, with a slight dip in construction employment, indicating that the military build-up had not yet affected that sector. The Territory's officials and local non-governmental organizations expressed concern that labour supply might be an issue during construction and even more so after its completion, since temporary off-island employees may not depart the island, thereby causing a surge in the labour force and a reduction in wages.

35. Employment in hotels and all other services increased by 110 and 210 jobs, respectively. Federal employment increased by 40 jobs, while that of the Government of Guam increased by 150. Average hourly earnings increased by 21 cents per hour, from $12.16 in December 2009 to $12.37 in December 2010. Over the same time period, average weekly hours paid increased from 36.1 to 36.4 and average weekly earnings increased correspondingly from $439.52 to $450.54, or by 2.5 per cent.

B. Education

36. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. There are approximately 25 private schools in Guam, including 2 business colleges, 5 high schools and a number of elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

37. The Territory receives millions of dollars in federal funding each year to support programmes such as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme. In January 2011, the United States Department of Education expressed its concern about a delay in the Guam Government's procurement process, which might jeopardize nearly $90 million worth of federal funds that were supposed to bring building and technological improvements to Guam schools.

38. The cause of the delay turned out to be local procurement laws requiring that the Attorney-General's office and the Governor's office sign off on contracts exceeding $500,000. To alleviate the congestion, the Attorney-General's office identified special assistant attorneys-general to deal with the matter.

39. Speaking before the June 2010 session of the Special Committee on Decolonization and the October 2010 session of the Fourth Committee, the Guam petitioners pointed out that the military expansion could result in an increase of up to 8,000 more students in the Territory, requiring over 500 additional teachers. At the same time, the petitioners said, the Guam Department of Education struggled to fill 300 vacancies per year.

C. Health care

40. The estimated life expectancy of Guamanians is about 75 years for males and 81 years for females. Guam Memorial Hospital is the only civilian hospital serving the Territory. It is owned by the Government and has 158 licensed acute-care beds, plus 40 beds at its off-site skilled nursing facility for long-term care. The Territory has a community health centre serving the northern region. The Guam Department of Public Health operates about a dozen medical and dental clinics. The United States Naval Hospital serves military personnel and dependants, as well as veterans.

41. In July 2010, the Governor's office received a letter from the United States-based Joint Commission, notifying the Government of Guam that the Guam Memorial Hospital had been granted full accreditation. As an accredited medical facility, the Hospital will receive a gold seal of approval, representing the highest level of care. Under the Joint Commission, all health-care organizations, other than laboratories, are subject to a three-year accreditation cycle.

42. In 2010, the Guam Memorial Hospital was awarded $444,189 in federal grant funding as part of the United States Department of Health and Human Services' Hospital Preparedness Program, which is designed to help the nation's hospitals and health-care systems to prepare for and respond to bioterrorism and other public health emergencies. The hospital was expected to use the funding to buy needed equipment that could be used both during normal hospital operations and public health emergencies. Projects to be funded include an upgrade of infusion pumps, renovations of isolation rooms at the Hospital's Skilled Nursing Unit, and an upgrade of automated emergency victim-tracking software.

D. Immigration

43. For immigration-related issues, see sections III and VII above.

VIII. Environment

44. The Guam Environmental Protection Agency comprises the following five divisions: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division.

45. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic test conducted by the administering Power in the Marshall Islands in the 1950s. For more information on the impact of the planned military build-up on the environment, see section III above.

IX. Relations with international organizations and partners

46. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981 and is a member of the secretariat of the Pacific Community and the Micronesian Chief Executives Summit. According to the administering Power, in 2009, Guam expressed the wish to be allowed to interact

more with and obtain observer status at the Pacific Islands Forum. No follow-up action on that request has been reported thus far.

X. Future status of the Territory

A. Position of the territorial Government

47. Developments regarding discussions on the future status of Guam are reflected in section II above.

B. Position of the administering Power

48. In a letter dated 2 November 2006 addressed to American Samoa's delegate to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States, which was considered equally valid for 2010, on the status of American Samoa and other United States insular areas. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee of 24 on Decolonization. In the letter, the Assistant Secretary of State also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those Territories, and no mandate to engage the United States in negotiations on their status. The letter further stated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Territory, the federal Government submitted annual updates on United States Territories to the Special Committee of 24 as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

C. Action taken by the General Assembly

49. On 10 December 2010, the General Assembly adopted, without a vote, resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee (A/65/23). Section VI of resolution 65/115 B concerns Guam. Under that section's operative paragraphs, the General Assembly:

1. Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

2. Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory,

to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

3. Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

4. Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam.